

★ MAR 6 - 2009 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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DAVID R. JOHNSON; INFINITE BARNETT;
ARLENE A. QUICK; NASEEM BARNETT;
DAVID S. JOHNSON,

Plaintiffs,

MEMORANDUM AND ORDER
08-CV-3673 (NG)

-v-

THE CITY OF NEW YORK (N.Y.P.D.); NEW YORK
POLICE DEPARTMENT,

Defendant.

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GERSHON, United States District Judge:

On September 3, 2008, plaintiffs David R. Johnson and Arlene A. Quick, appearing *pro se*, filed the instant complaint on behalf of themselves and their three minor children, pursuant to 42 U.S.C. § 1983, for *inter alia*, false arrest and illegal search and seizure. By Order dated November 6, 2008, the Court granted plaintiffs' requests to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and dismissed the claims brought on behalf of the minor children without prejudice. Plaintiff was advised that in order for plaintiffs to proceed with claims on behalf of their children, they must hire an attorney to represent the interests of their children in this case. Plaintiffs' remaining claims were directed to proceed and the matter was referred to Magistrate Judge Lois Bloom for pretrial proceedings.

Subsequent to the Court's November 6, 2008 Order, plaintiffs have sought additional time from the Court to retain counsel on behalf of their children. By Order dated December 10, 2008, the Court ordered that if a notice of appearance is not filed by counsel by January 14, 2009, the claims of the minor plaintiffs are dismissed without prejudice. By Order dated January

16, 2009, Magistrate Judge Bloom granted plaintiffs' request for an extension of time to February 16, 2009, to find counsel on behalf of their children. Despite additional time, plaintiffs have not retained counsel on behalf of their children as directed.

Accordingly, the claims of the minor plaintiffs, Infinite Barnett, Naseem Barnett and David S. Johnson are dismissed without prejudice. Plaintiffs' remaining claims shall proceed as previously directed. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/ s/NG

NINA GERSHON
United States District Judge

Dated: Brooklyn, New York

March 5, 2009